

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In re Application of: )

Sam KINNEY *et al.* )

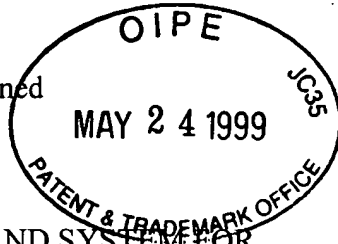
Serial No.: Unassigned )

Filed: Herewith )

For: METHOD AND SYSTEM FOR )  
CONDUCTING ELECTRONIC )  
AUCTIONS WITH MULTI-PARAMETER )  
PRICE EQUALIZATION BIDDING )

Group Art Unit: Unassigned

Examiner: Unassigned



Assistant Commissioner for Patents  
Washington, D.C. 20231

DECLARATION FOR PATENT APPLICATION

Sir:

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **Method and System for Conducting Electronic Auctions With Multi-Parameter Price Equalization Bidding**, the specification of which is being filed concurrently herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

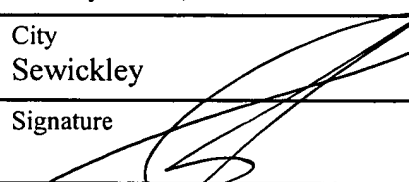
I hereby declare that all statements made herein of my knowledge are true and that all statements made of information and belief are believed to be true; and further that these statements were made with a knowledge that willful false statements in like so made are

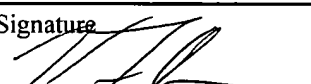
**PATENT**

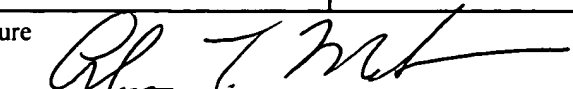
ATTORNEY DOCKET NO.: 046700-5005


Page 2

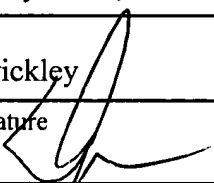
punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


INVENTOR 1		
Family Name KINNEY, JR.	First Given Name Sam	Second Given Name E.
City Sewickley	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 314 Maple Lane	City Sewickley	State Pennsylvania 15143
Date 3/26/99	Signature 	


INVENTOR 2		
Family Name RAGO	First Given Name Vincent	Second Given Name F.
City Pittsburgh	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 15 Roxbury Road	City Pittsburgh	State Pennsylvania 15221
Date 3/30/99	Signature 	

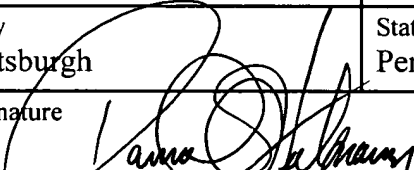
INVENTOR 3		
Family Name MEAKEM	First Given Name Glen	Second Given Name T.
City Sewickley	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 703 Cochran Street	City Sewickley	State Pennsylvania 15143
Date 3/30/99	Signature 	

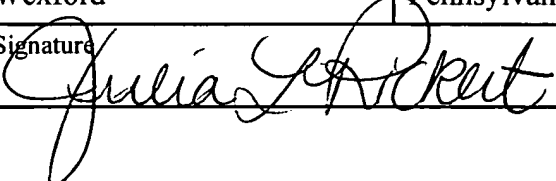
INVENTOR 4		
Family Name STEVENS	First Given Name Robert	Second Given Name G.
City Pittsburgh	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 5518 Ellsworth Avenue, Apt. 1	City Pittsburgh	State Pennsylvania 15232
Date 4/1/99	Signature 	

INVENTOR 5		
Family Name BECKER	First Given Name David	Second Given Name J.
City Sewickley	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 22 Sewickley Hills Drive	City Sewickley	State Pennsylvania 15143
Date 3-30-99	Signature 	

INVENTOR 6		
Family Name BERNARD	First Given Name Anthony	Second Given Name F.
City Wexford	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 2518 Lindenwood Drive	City Wexford	State Pennsylvania 15090
Date 4/1/99	Signature 	

INVENTOR 7		
Family Name RUPP	First Given Name William	Second Given Name D.
City Pittsburgh	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 2151 Cayuga Drive	City Pittsburgh	State Pennsylvania 15239
Date 4/1/99	Signature 	


INVENTOR 8		
Family Name HECKMANN	First Given Name Daniel	Second Given Name C.
City Pittsburgh	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 4889 East Willock Road	City Pittsburgh	State Pennsylvania 15227
Date 3/30/1999	Signature 	

INVENTOR 9		
Family Name RICKERT	First Given Name Julia	Second Given Name L.
City Wexford	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 5607 Pavillian Court	City Wexford	State Pennsylvania 15090
Date 4/1/99	Signature 	

INVENTOR 10		
Family Name TULLOCH	First Given Name Shane	Second Given Name M.
City Pittsburgh	State / Country Pennsylvania, U.S.A.	Citizenship New Zealand
Post Office Address 5518 Ellsworth Avenue, Apt. 3	City Pittsburgh	State Pennsylvania 15232
Date March 30, 1999	Signature <i>Shane Tulloch</i>	

INVENTOR 11		
Family Name RIDDLE	First Given Name Jennifer	Second Given Name L.
City Pittsburgh	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 1014 Bradish Street	City Pittsburgh	State Pennsylvania 15203
Date March 30, 1999	Signature <i>Jennifer Riddle</i>	

INVENTOR 12		
Family Name SIKES	First Given Name Nikki	Second Given Name A.
City Pittsburgh	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 3955 Bigelow Blvd., Apt. 903	City Pittsburgh	State Pennsylvania 15213
Date March 30, 1999	Signature <i>Nikki Sikes</i>	

INVENTOR 13		
Family Name LEVIS III	First Given Name John	Second Given Name P.
City Pittsburgh	State / Country Pennsylvania, U.S.A.	Citizenship U.S.A.
Post Office Address 509 Amberson Avenue	City Pittsburgh	State Pennsylvania 15232
Date March 30, 1999	Signature 	

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sam KINNEY *et al.*

Application No.: Unassigned

Filed: Herewith

For: METHOD AND SYSTEM FOR  
CONDUCTING ELECTRONIC  
AUCTIONS WITH MULTI-PARAMETER  
PRICE EQUALIZATION BIDDING



Group Art Unit: Unassigned

Examiner: Unassigned

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**POWER OF ATTORNEY BY ASSIGNEE**

The undersigned Assignee of the entire interest in the above-identified application hereby grants power of attorney to the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to:

**Customer Number 009629**  
Patent Support Unit  
Morgan, Lewis & Bockius LLP  
1800 M Street, N.W.  
Washington, D.C. 20036-5869  
202-467-7176 (facsimile)

Please direct all telephone calls to C. Scott Talbot at 202-467-7750.

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

FreeMarkets OnLine, Inc., a United States corporation, certifies that it is:

1. ☒ an assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the application identified above by virtue of:

- A. An assignment from the inventor(s) of the application identified above. The assignment was recorded as follows:

FROM	TO	REEL/FRAME NO.
		Reel: Frame:

OR

- B. A chain of title from the inventors, of the application identified above, to the current assignee as shown below:

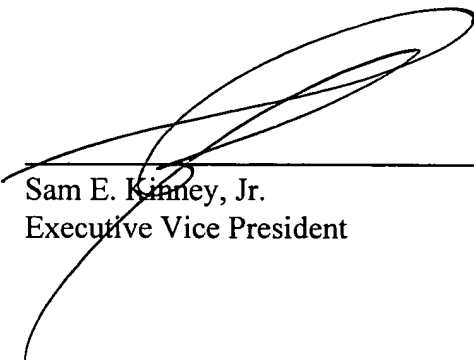
1. From: Sam E. Kinney, Jr., Vincent F. Rago, Glen T. Meakem, Robert G. Stevens, David J. Becker, Anthony F. Bernard, William D. Rupp, Daniel C. Heckmann, Julia L. Rickert, Shane M. Tulloch, Jennifer L. Riddle, Nikki A. Sikes, and John P. Levis III  
To: FreeMarkets OnLine, Inc.  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the Assignee.

FreeMarkets OnLine, Inc.  
One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, Pennsylvania 15222

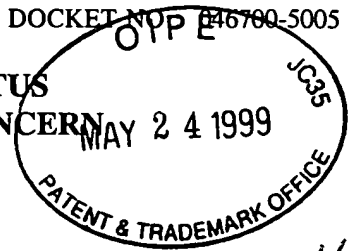
By:



Sam E. Kinney, Jr.  
Executive Vice President

Dated: 3/26/99

**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**37 C.F.R. §§1.9(f) and 1.27(c)-SMALL BUSINESS CONCERN**



Applicant or Patentee: Sam KINNEY *et al.*

Application or Patent No.: Unassigned

Filed or Issued: Herewith

Title: METHOD AND SYSTEM FOR CONDUCTING ELECTRONIC AUCTIONS WITH MULTI-PARAMETER PRICE EQUALIZATION BIDDING

I hereby state that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: FreeMarkets OnLine, Inc.

ADDRESS OF CONCERN: One Oliver Plaza, 210 Sixth Avenue, Pittsburgh, Pennsylvania 15222

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121, and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD AND SYSTEM FOR CONDUCTING ELECTRONIC AUCTIONS WITH MULTI-PARAMETER PRICE EQUALIZATION BIDDING

described in:

☒ the specification filed herewith with the title as listed above.

☐ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

NAME:		
ADDRESS:		
<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SMALL BUSINESS CONCERN	<input type="checkbox"/> NON PROFIT ORGANIZATION
NAME:		
ADDRESS:		
<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SMALL BUSINESS CONCERN	<input type="checkbox"/> NON PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Sam E. Kinney, Jr.

TITLE OF PERSON IF OTHER THAN OWNER: Executive Vice President

ADDRESS OF PERSON SIGNING: FreeMarkets OnLine, Inc., One Oliver Plaza, 210 Sixth Avenue

Pittsburgh, Pennsylvania 15222

SIGNATURE

DATE

3/26/99

## ASSIGNMENT

WHEREAS I/We, the below named inventor(s), [hereinafter referred to as Assignor(s)], have made an invention entitled:

**METHOD AND SYSTEM FOR CONDUCTING ELECTRONIC AUCTIONS  
WITH MULTI-PARAMETER PRICE EQUALIZATION BIDDING**

#3

for which an application for United States Letters Patent is filed herewith; and

WHEREAS, FreeMarkets OnLine, Inc., a corporation of Delaware, whose post office address is One Oliver Plaza, 210 Sixth Avenue, Pittsburgh, Pennsylvania 15222 (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to this invention in all countries throughout the world, and in and to the application for United States Letters Patent on this invention and the Letters Patent to be issued upon this application;

NOW THEREFORE, be it known that, for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other good and valuable consideration the receipt of which from assignee is hereby acknowledged, I/WE, as assignor(s), have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the assignee, its lawful successors and assigns, MY/OUR entire right, title, and interest in and to this invention and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof, and all rights to claim priority on the basis of such application, and all applications for Letters Patent which may hereafter be filed for this invention in any foreign country and all Letters Patent which may be granted on this invention in any foreign country, and all extensions, renewals, and reissues thereof; and I/WE hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for this invention to assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I/WE HEREBY covenant that I/WE have the full right to convey the interest assigned by this Assignment, and I/WE have not executed and will not execute any agreement in conflict with this Assignment;

AND, I/WE HEREBY further covenant and agree that I/WE will, without further consideration, communicate with assignee, its successors and assigns, any facts known to ME/US respecting this invention, and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver any and all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors or assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States and any foreign country, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

IN TESTIMONY WHEREOF, I/WE have hereunto set our hand(s).

County of <u>Allegheny</u>	<u>Sam E. Kinney, Jr.</u> Full Name of Sole or First Assignor
State of <u>Pennsylvania</u>	SS. <u>314 Maple Lane, Sewickley, Pennsylvania 15143</u> Address
Subscribed and sworn to before me this <u>27</u> day of <u>MARCH</u> , 19 <u>99</u>	<u>[Signature]</u> First Assignor's Signature
<u>[Signature]</u> Notary Public	<u>3/26/99</u> Date
<div>Notarial Seal Tina L. Fallert, Notary Public Pittsburgh, Allegheny County My Commission Expires June 14, 1999 Member, Pennsylvania Association of Notaries</div>	
Names of additional inventors attached <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

<p>County of <u>Allegheny</u> State of <u>Pennsylvania</u></p> <p>Subscribed and sworn to before me this <u>30</u> day of <u>March</u>, 1999</p> <p><u>Tina L. Fallert</u> Notary Public</p>	<p>Vincent F. Rago Full Name of Second Assignor</p> <p>SS. <u>15 Roxbury Road, Pittsburgh, Pennsylvania 15221</u> Address</p> <p><u>[Signature]</u> Second Assignor's Signature</p> <p><u>3/30/99</u> Date</p>
<p>County of <u>Allegheny</u> State of <u>Pennsylvania</u></p> <p>Subscribed and sworn to before me this <u>30</u> day of <u>March</u>, 1999</p> <p><u>Tina L. Fallert</u> Notary Public</p>	<p>Glen T. Meakem Full Name of Third Assignor</p> <p>SS. <u>703 Cochran Street, Sewickley, Pennsylvania 15143</u> Address</p> <p><u>[Signature]</u> Third Assignor's Signature</p> <p><u>3/30/99</u> Date</p>
<p>County of <u>Allegheny</u> State of <u>Pennsylvania</u></p> <p>Subscribed and sworn to before me this <u>1</u> day of <u>April</u>, 1999</p> <p><u>Tina L. Fallert</u> Notary Public</p>	<p>Robert G. Stevens Full Name of Fourth Assignor</p> <p>SS. <u>5518 Ellsworth Avenue, Apt. 1, Pittsburgh, PA 15232</u> Address</p> <p><u>[Signature]</u> Fourth Assignor's Signature</p> <p><u>4/1/99</u> Date</p>
<p>County of <u>Allegheny</u> State of <u>Pennsylvania</u></p> <p>Subscribed and sworn to before me this <u>28</u> day of <u>March</u>, 1999</p> <p><u>Tina L. Fallert</u> Notary Public</p>	<p>David J. Becker Full Name of Fifth Assignor</p> <p>SS. <u>22 Sewickley Hills Drive, Sewickley, Pennsylvania 15143</u> Address</p> <p><u>[Signature]</u> Fifth Assignor's Signature</p> <p><u>3-30-99</u> Date</p>

Names of additional inventors attached [X] Yes [ ] No

County of Allegheny  
State of Pennsylvania

Anthony F. Bernard  
Full Name of Sixth Assignor

SS. 2518 Lindenwood Drive, Wexford, Pennsylvania 15090  
Address

Subscribed and sworn to before me  
this 1 day of April, 1999

Tina L. Fallert Notary Public

Notarial Seal  
Tina L. Fallert, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires June 14, 1999  
Member, Pennsylvania Association of Notaries

Anthony F. Bernard  
Sixth Assignor's Signature

4/1/99  
Date

County of Allegheny  
State of Pennsylvania

William D. Rupp  
Full Name of Seventh Assignor

SS. 2151 Cayuga Drive, Pittsburgh, Pennsylvania 15239  
Address

Subscribed and sworn to before me  
this 1 day of April, 1999

Tina L. Fallert Notary Public

Notarial Seal  
Tina L. Fallert, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires June 14, 1999  
Member, Pennsylvania Association of Notaries

William D. Rupp  
Seventh Assignor's Signature

5/1/99  
Date

County of Allegheny  
State of Pennsylvania

Daniel C. Heckmann  
Full Name of Eighth Assignor

SS. 4889 East Willock Road, Pittsburgh, Pennsylvania 15227  
Address

Subscribed and sworn to before me  
this 30 day of March, 1999

Tina L. Fallert Notary Public

Notarial Seal  
Tina L. Fallert, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires June 14, 1999  
Member, Pennsylvania Association of Notaries

Daniel C. Heckmann  
Eighth Assignor's Signature

3/30/1999  
Date

County of Allegheny  
State of Pennsylvania

Julia L. Rickert  
Full Name of Ninth Assignor

SS. 5607 Pavillian Court, Wexford, Pennsylvania 15090  
Address

Subscribed and sworn to before me  
this 30 day of March, 1999

Tina L. Fallert Notary Public

Notarial Seal  
Tina L. Fallert, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires June 14, 1999  
Member, Pennsylvania Association of Notaries

Julia L. Rickert  
Ninth Assignor's Signature

3/30/99  
Date

Names of additional inventors attached [X] Yes [ ] No

<p>County of <u>Allegheny</u> State of <u>Pennsylvania</u></p> <p>Subscribed and sworn to before me this <u>30</u> day of <u>March</u>, 19<u>99</u>.</p> <p><u>Tina L. Fallert</u> Notary Public</p>	<p style="text-align: center;">Notarial Seal Tina L. Fallert, Notary Public Pittsburgh, Allegheny County My Commission Expires June 14, 1999 Member, Pennsylvania Association of Notaries</p>	<p style="text-align: center;">Shane M. Tulloch Full Name of Tenth Assignor</p> <p>SS. <u>5518 Ellsworth Avenue, Apt. 3, Pittsburgh, PA 15232</u> Address</p> <p style="text-align: center;"><u>Shane M. Tulloch</u> Tenth Assignor's Signature</p> <p style="text-align: center;"><u>March 30, 1999</u> Date</p>
<p>County of <u>Allegheny</u> State of <u>Pennsylvania</u></p> <p>Subscribed and sworn to before me this <u>30</u> day of <u>March</u>, 19<u>99</u>.</p> <p><u>Tina L. Fallert</u> Notary Public</p>	<p style="text-align: center;">Notarial Seal Tina L. Fallert, Notary Public Pittsburgh, Allegheny County My Commission Expires June 14, 1999 Member, Pennsylvania Association of Notaries</p>	<p style="text-align: center;">Jennifer L. Riddle Full Name of Eleventh Assignor</p> <p>SS. <u>1014 Bradish Street, Pittsburgh, Pennsylvania 15203</u> Address</p> <p style="text-align: center;"><u>Jennifer L. Riddle</u> Eleventh Assignor's Signature</p> <p style="text-align: center;"><u>March 30, 1999</u> Date</p>
<p>County of <u>Allegheny</u> State of <u>Pennsylvania</u></p> <p>Subscribed and sworn to before me this <u>30</u> day of <u>March</u>, 19<u>99</u>.</p> <p><u>Tina L. Fallert</u> Notary Public</p>	<p style="text-align: center;">Notarial Seal Tina L. Fallert, Notary Public Pittsburgh, Allegheny County My Commission Expires June 14, 1999 Member, Pennsylvania Association of Notaries</p>	<p style="text-align: center;">Nikki A. Sikes Full Name of Twelfth Assignor</p> <p>SS. <u>3955 Bigelow Blvd., Apt. 903, Pittsburgh, PA 15213</u> Address</p> <p style="text-align: center;"><u>Nikki A. Sikes</u> Twelfth Assignor's Signature</p> <p style="text-align: center;"><u>March 30, 1999</u> Date</p>
<p>County of <u>Allegheny</u> State of <u>Pennsylvania</u></p> <p>Subscribed and sworn to before me this <u>30</u> day of <u>March</u>, 19<u>99</u>.</p> <p><u>Tina L. Fallert</u> Notary Public</p>	<p style="text-align: center;">Notarial Seal Tina L. Fallert, Notary Public Pittsburgh, Allegheny County My Commission Expires June 14, 1999 Member, Pennsylvania Association of Notaries</p>	<p style="text-align: center;">John P. Lewis III Full Name of Thirteenth Assignor</p> <p>SS. <u>509 Amberson Avenue, Pittsburgh, Pennsylvania 15232</u> Address</p> <p style="text-align: center;"><u>John P. Lewis III</u> Thirteenth Assignor's Signature</p> <p style="text-align: center;"><u>March 30, 1999</u> Date</p>
<p>Names of additional inventors attached    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>		